

4778-1-02

Application for a license.

- (A) An applicant for an initial license or initial license designated as a supervised practice license as a genetic counselor shall ~~file a written~~ submit an application under oath ~~on the forms in the matter~~ prescribed by the board (~~form MED-GC-2013, revised 7/2013~~), and provide such other facts and materials as the board requires. ~~Application forms are available from the board's website at <http://med.ohio.gov/>.~~
- (B) No application shall be considered filed, and shall not be reviewed, until the non-refundable application fee provided for in division (A) of section 4778.03 of the Revised Code has been received by the board.
- (C) All application materials submitted to the board by applicants may be thoroughly investigated. The board may contact individuals, agencies, or organizations for recommendations or other information about applicants as the board deems necessary. Applicants may be requested to appear before the board or a representative thereof as part of the application process.
- (D) An application for an initial license shall be considered to be complete when all of the following requirements are met:
- (1) The application fee provided in section 4778.03 of the Revised Code and all documentation required to demonstrate compliance with ~~divison~~ division (B) of section 4778.03 of the Revised Code has been received by the board;
 - (2) The applicant has complied with the requirements of paragraph (A) of rule 4778-2-02 of the Administrative Code and the board has received the results of the criminal records checks ~~and any other forms required to be submitted pursuant to paragraph (A) of rule 4778-2-02 of the Administrative Code~~;
 - (3) The board is not conducting an investigation, ~~pursuant to~~ under section 4778.18 of the Revised Code, of evidence appearing to show that the applicant has violated section 4778.14 of the Revised Code or applicable rules adopted by the board.
- (E) An application for an initial license designated as a supervised practice license shall be considered to be complete when all of the following requirements are met:
- (1) The applicant has complied with the requirements of paragraph (D) of this rule, except that the applicant is not required to demonstrate certification as a genetic counselor;
 - (2) The board has received documentation that the applicant is in active candidate status with the American board of genetic counseling.

(F) ~~If the application is not complete within six months of the date the application is filed with the board because required information, facts, or other materials have not been received by the board, the board may notify the applicant by certified mail that it intends to consider the application abandoned if the application is not completed.~~an applicant fails to complete the application process within six months of initial application filing, the board may notify the applicant in writing of its intention to consider the application abandoned. If no response to that notice is received by the board within thirty days, the board shall consider the application as abandoned and no further processing shall be undertaken with respect to that application.

(1) ~~The written notice shall:~~

(a) ~~Specifically identify the information, facts, or other materials required to complete the application; and~~

(b) ~~Inform the applicant that the information, facts, or other materials must be received by the deadline date specified; that if the application remains incomplete at the close of business on the deadline date the application may be deemed to be abandoned and no further review of the application will occur; and that if the application is abandoned the submitted fees shall neither be refundable or transferrable to a subsequent application.~~

(2) ~~If all of the information, facts, or other materials are received by the board by the deadline date and the application is deemed to be complete, the board shall process the application and may require updated information as it deems necessary.~~

Effective:

Five Year Review (FYR) Dates: 1/24/2019

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4778.12
Rule Amplifies: 4778.03, 4778.08
Prior Effective Dates: 10/31/2013

4778-1-02.1

Military provisions related to certificate to practice as a genetic counselor.

(A) ~~Definitions~~ "Armed forces" means any of the following:

(1) ~~"Armed forces" means any of the following:~~ The armed forces of the United States, including the army, navy, air force, marine corps, and coast guard;

~~(a) The armed forces of the United States, including the army, navy, air force, marine corps, and coast guard;~~

~~(b) A reserve component of the armed forces listed in paragraph (A)(1)(a) of this rule;~~

~~(c) The national guard, including the Ohio national guard or the national guard of any other state;~~

~~(d) The commissioned corps of the United States public health service;~~

~~(e) The merchant marine service during wartime;~~

~~(f) Such other service as may be designated by Congress; or~~

~~(g) The Ohio organized militia when engaged in full-time national guard duty for a period of more than thirty days.~~

(2) ~~"Board" means the state medical board of Ohio.~~ A reserve component of the armed forces listed in paragraph (A)(1) of this rule.

(3) The national guard, including the Ohio national guard or the national guard of any other state;

(4) The commissioned corps of the United States public health service;

(5) The merchant marine service during wartime;

(6) Such other service as may be designated by Congress; or

(7) The Ohio organized militia when engaged in full-time national guard duty for a period of more than thirty days.

(B) Eligibility for licensure.

For the purposes of section 5903.03 of the Revised Code, the board has determined that there are no military programs of training, military primary specialties, or lengths

of service that are substantially equivalent to or exceed the educational and experience requirements for licensure as a genetic counselor:

(C) Renewal of an expired license.

An expired license to practice as a genetic counselor shall be renewed upon payment of the biennial renewal fee provided in section 4778.06 of the Revised Code and without a late fee or re-examination if the holder meets all of the following three requirements:

- (1) The licensee is not otherwise disqualified from renewal because of mental or physical disability;
- (2) The licensee meets the requirements for renewal under section 4778.06 of the Revised Code;
- (3) Either of the following situations applies:
 - (a) The license was not renewed because of the licensee's service in the armed forces, or
 - (b) The license was not renewed because the licensee's spouse served in the armed forces, and the service resulted in the licensee's absence from this state.
- (4) The licensee or the licensee's spouse, whichever is applicable, has presented satisfactory evidence of the service member's discharge under honorable conditions or release under honorable conditions from active duty or national guard duty within six months after the discharge or release.

(D) Extension of the continuing education period

- (1) The holder of a genetic counselor license may apply for an extension of the current continuing education reporting period in the manner provided in section 5903.12 of the Revised Code by submitting both of the following:
 - (a) A statement that the licensee has served on active duty, whether inside or outside of the United States, for a period in excess of thirty-one days during the current continuing education reporting period.
 - (b) Proper documentation certifying the active duty service and the length of that active duty service.

- (2) Upon receiving the application and proper documentation, the board shall extend the current continuing education reporting period by an amount of time equal to the total number of months that the licensee spent on active duty during the current continuing education reporting period. Any portion of a month served shall be considered one full month.

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Rule Amplifies: 4778.06, 5903.03, 5903.12
Prior Effective Dates: 09/30/2015

4778-1-05

Collaboration agreement.

- (A) The collaboration agreement provided for in ~~divison~~division (B) of section 4778.11 of the Revised Code shall meet all of the following criteria:
- (1) The agreement shall be a written statement identifying and signed by the collaborating physician and genetic counselor who are party to the agreement.
 - (2) The agreement shall contain a general statement of the procedures, decision criteria, or categories of care that a genetic counselor is to follow when ordering genetic tests or other evaluations.
 - (3) The agreement shall provide for a selection of the most appropriate, accurate, and cost-effective methods of diagnosis.
- (B) A collaborative agreement must be reevaluated at least every two years. If any modification to the agreement is made, the agreement must be ~~reexecuted~~re-executed as provided in paragraph (A)(1) of this rule.
- (C) A signed copy of the collaborative agreement must be maintained by all parties and available for inspection by the board upon request.

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Rule Amplifies: 4778.11
Prior Effective Dates: 10/31/2013

TO BE RESCINDED

4778-1-06 **Miscellaneous provisions.**

For purposes of Chapter 4778. of the Revised Code and rules promulgated there under:

- (A) An adjudication hearing held pursuant to the provisions of Chapter 119. of the Revised Code shall be conducted in conformance with the provisions of Chapter 4731-13 of the Administrative Code.
- (B) The provisions of Chapters 4731-13, 4731-16, 4731-17, 4731-19, 4731-26, and 4731-28 of the Administrative Code are applicable to the holder of a license to practice as a genetic counselor issued pursuant to Chapter 4778. of the Revised Code, as though fully set forth in Chapter 4778-1 or Chapter 4778-2 of the Administrative Code.

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Certification

Date

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Statutory Authority: 4778.12
Rule Amplifies: 4778.14
Prior Effective Dates: 10/31/2013

4778-1-06**Miscellaneous provisions.**

For purposes of Chapter 4778. of the Revised Code and rules promulgated thereunder, the provisions of Chapters 4731-13, 4731-16, 4731-26, and 4731-28 of the Administrative Code are applicable to the holder of a license to practice as a genetic counselor issued under Chapter 4778. of the Revised Code, as though fully set forth in Chapter 4778-1 or Chapter 4778-2 of the Administrative Code.

Replaces: 4777-1-06

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Certification

Date

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Rule Amplifies: 4778.14
Prior Effective Dates: 10/31/2013

4778-2-01

Definitions.

- (A) "Criminal records check" has the same meaning as in division (E) of section 109.572 of the Revised Code.
- (B) "~~BCI&F~~BCI" means the "Ohio Bureau of Criminal Identification and Investigation."
- (C) "FBI" means the "Federal Bureau of Investigation."

Effective:

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Certification

Date

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Rule Amplifies: 4776.03, 4778.04
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4778-2-02

Criminal records checks.

(A) An applicant for an initial license to practice or for a restored license to practice pursuant to Chapter 4778. of the Revised Code, shall submit fingerprints, required forms, and required fees to ~~BCI&I~~ BCI for completion of state and federal criminal records checks.

(1) An applicant who is present in Ohio shall use the services of an entity that has been designated by the Ohio attorney general to participate in the ~~BCI&I~~ BCI and FBI program, pay any processing fee charged by the entity, and cause the entity to submit both of the following to ~~BCI&I~~ BCI, with the “State Medical Board of Ohio” designated to receive the results:

- (a) The applicant’s electronic fingerprints; and
- (b) The applicant’s payment of fees charged for the state and federal criminal records checks.

(2) An applicant who resides in a state or jurisdiction other than Ohio shall either appear in Ohio in order to comply with the requirements of paragraph (A)(1) of this rule or request that the board send the forms required for a criminal records check to the applicant’s address.

~~When an applicant requests that the required forms be mailed by the board, upon receipt of the forms the applicant shall have a local law enforcement agency process the forms. The applicant shall pay any processing fees charged by the local law enforcement agency and cause the local law enforcement agency to submit to BCI&I all of the following. Upon receipt of the forms, the applicant shall have their fingerprints processed, pay any processing fees charged by the entity, and cause the entity to submit to BCI all of the following,~~ with the “State Medical Board of Ohio” designated to receive the results:

- (a) A fingerprint card bearing the prints of the applicant’s ten fingers;
- (b) The applicant’s completed request for exemption from the electronic fingerprint submission requirement; and
- (c) The applicant’s payment of fees charged for state and federal criminal records checks.

~~(3) The applicant who submits the criminal records check via the fingerprint card bearing the prints of applicant’s ten fingers, pursuant to paragraph (A)(2) of this rule, shall also ensure that any other forms required by the board are completed and submitted to the board.~~

- (B) The board shall maintain the criminal records check report in a manner that ensures the confidentiality of the results, prevents disclosure pursuant to a public records request, and complies with applicable state and federal requirements.
- (C) The board shall not accept the results of a criminal records check submitted by an entity other than ~~BCI~~ HBCI.
- (D) In reviewing the results of a criminal records check to determine whether the applicant should be granted an initial or restored license to practice, the board may consider all of the following:
- (1) The nature and seriousness of the crime;
 - (2) The extent of the applicant's past criminal activity;
 - (3) The age of the applicant when the crime was committed;
 - (4) The amount of time that has elapsed since the applicant's last criminal activity;
 - (5) The conduct and work activity of the applicant before and after the criminal activity;
 - (6) Whether the applicant has completed the terms of any probation or deferred adjudication;
 - (7) Evidence of the applicant's rehabilitation;
 - (8) Whether the applicant fully disclosed the arrest or conviction to the board; and
 - (9) Any other factors the board considers relevant.

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